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BY

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American Antiquarian Society

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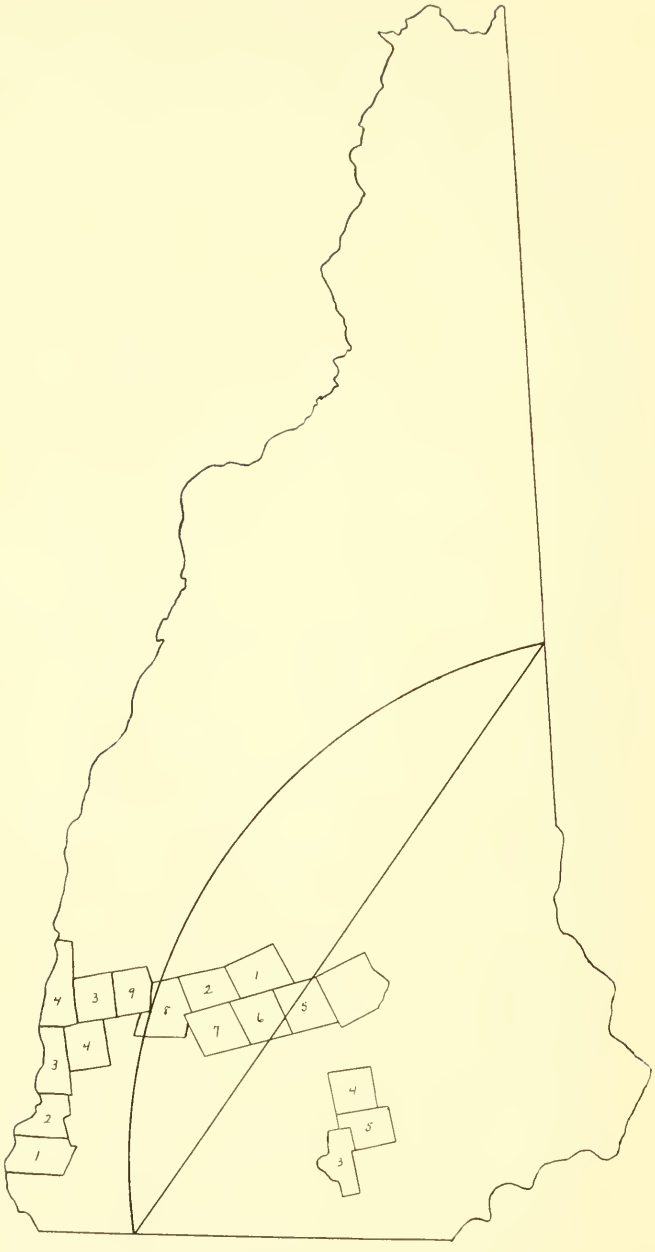

Map of New Hampshire

THE MASON TITLE AND ITS RELATIONS TO NEW HAMPSHIRE AND MASSACHUSETTS

BY OTIS GRANT HAMMOND

The history of the Mason grant is founded upon confusion and obscurity. All the various grants to Mason and Gorges, or to Capt. John Mason alone, emanated from the "Council Established at Plymouth in the County of Devon for the Planting, Ruling, Ordering, and Governing of New England in America," which in common usage was called the Council of Plymouth, itself a confessed failure after only fifteen years of aimless, floundering existence. On the 3rd of November, 1620, the Council received from King James a grant of all the territory in America from the fortieth to the forty-eighth degree of northerly latitude, and extending from sea to sea.

The grants from the Council of Plymouth in which Capt. John Mason was interested are, briefly, as follows:

The grant of Mariana to John Mason Mar. 9, 1621-2, comprised the territory between the Naumkeag and Merrimack rivers, bounded on the west by a straight line connecting the sources of the two rivers.

The grant of Maine to Sir Ferdinando Gorges and Capt. John Mason Aug. 10, 1622, included the tract between the Merrimack and the Sagadahock rivers, and extending sixty miles inland.

The grant of New Hampshire to Capt. John Mason Nov. 7, 1629, comprised the territory between the Merrimack and the Piscataqua rivers, extending to

the head of each, and from the head of the Piscataqua, "northwestwards," and from the head of the Merrimack "forward up into y^e^ land Westwards" until a distance of sixty miles from the sea had been reached on each course, and these limits to be connected by a line forming a westerly bound. These descriptions indicate the general courses of the two rivers as then understood, the Merrimack as flowing out of the west, and the Piscataqua from the northwest.

The grant of Laconia to Sir Ferdinando Gorges and Capt. John Mason Nov. 17, 1629, comprised an inland tract of land of very indefinite bounds, being described as all that land bordering on the river and lake of the Iroquois for a depth of ten miles to the south and east, westward half way to the next great lake, and north to the main river running from the Great Lakes into the River of Canada. It was intended that this grant should convey a tract of land lying in back of the Maine grant of 1622. The Lake of the Iroquois was probably Lake Champlain, but this grant was never even located.

The grant of Piscataqua Nov. 3, 1631, to Gorges and Mason, with their associates, John Cotton, Henry Gardner, George Griffith, Edwin Guy, Thomas Wannerton, Thomas Eyre, and Eleazer Eyre, conveyed the settlement already begun at Piscataqua and extending north to the Hilton Patent, with a considerable area to the south and west, very indefinitely and obscurely described.

Mason was elected a member of the Council of Plymouth in June, 1632, and in November following he became Vice-President, the Presidency being held by the Earl of Warwick. The work of the Council towards the settlement of New England was by this time clearly unsatisfactory. Their knowledge of the territory they held was very meager, and their grants were indefinite and unsuccessful. The members themselves became convinced of their futility

as a corporation organized for the development of the new world. Their enemies were numerous in both New and Old England, and they determined to divide their lands among themselves as far as possible, and to return their corporate powers to the King. In pursuance of this policy the Council, on the 18th of April, 1635, gave a lease of New Hampshire and Masonia to John Wollaston of London, goldsmith, a brother-in-law of Mason, for 3000 years, in accordance with an agreement with Mason. New Hampshire was described as extending from the Naumkeag to the Newichwannock rivers, and sixty miles inland, and Masonia was a 10,000 acre tract at the mouth of the Sagadahock.

Four days later, Apr. 22, 1635, the same lands were granted to Mason, these grants also being made in accordance with an agreement made February 3 of the same year. On the 11th of June following, Wollaston transferred his lease to Mason, whose title was thus doubled, and later in the same month the Council of Plymouth surrendered its charter to the King.

Capt. John Mason died late in 1635, and his will was dated November 26 of that year. He devised his province of New Hampshire to his grandson, John Tufton, on condition that he should take the name of Mason, and if he should die without issue the lands were to go to his brother, Robert Tufton, on the same condition. These were the sons of Mason's only child, Ann, who married Joseph Tufton.

John Tufton Mason did die without issue, and Robert Tufton became the heir, taking the name of Mason. Robert did not, however, come of lawful age until 1650. Capt. John Mason's widow had no interest in the province, and expressly notified Mason's agents in New Hampshire that she should take no care of the settlement, and that the tenants must manage affairs themselves.

Captain Mason was enthusiastic over his properties

in the new world, and spent time, energy, and money without limit in the effort to establish a permanent settlement that should be not only a source of wealth to himself, but a principality, hereditary in his family, which should thereby forever perpetuate his name. Before his death he had sent over about seventy settlers, besides tradesmen, with an ample supply of provisions, clothing, utensils, arms, and ammunition, and artillery for fortifications which were to be built. These colonists had entered upon a settlement at Piscataqua, built houses, cleared lands, and made large improvements. Cattle had also been sent over, a Danish breed, which is said to be still perceptible in some parts of New England. A settlement was established also on another plantation at Newichwannock, where two mills, the first in New England, and other buildings for habitation and defense had been erected. Altogether Captain Mason had expended on his province about £22,000 sterling, and in a letter to his agent, Ambrose Gibbons, in 1634 he stated that he had never received a penny in return. After his death, when it became known that the widow would not carry on the settlement, the agents and colonists obeyed her injunction to shift for themselves by looting the entire property. Francis Norton, who lived in the "Great House" at Piscataqua, and acted as agent in charge of the plantation of a thousand acres of cleared and improved land, drove a hundred head of Danish cattle to Boston, sold them for £25 a head, and settled at Charlestown with his profits. The other agents and servants followed his example, taking everything movable, even to the brass guns from the fort, and dividing the lands among themselves. Thomas Wannerton, another agent, seized large quantities of supplies and ammunition and sold them to the French at Port Royal in 1644.

All this occurred prior to 1650, and during the minority of Robert Tufton Mason. When he became legally qualified to care for his interests the state of

public affairs in England during the period of the Commonwealth and the Protectorate afforded him no opportunity to regain possession of his property, and it was not until after the Restoration that any effective legal measures could be taken.

Mason's first task was to clear his province of the encroachments of the government of Massachusetts, which had not only granted lands within his domain, but had exercised political jurisdiction over the New Hampshire settlements for several years. The fact that the Massachusetts government was extended over the New Hampshire towns at their own solicitation did not effect Mason's property rights. In answer to his petition of 1660 the Crown reaffirmed his title, but there was no other result. Again in 1675 he petitioned the Crown for relief, and the result was the complete separation of the two provinces by the appointment of John Cutt as President of New Hampshire in 1679, and the establishment of a complete form of government within that province, Massachusetts at the same time receiving peremptory orders to keep within her own territorial limits.

Having accomplished this most important beginning, and secured the official recognition of his title, Mason came to New Hampshire with his family, settled in Newcastle, took his seat in Cranfield's council, and began strenuous efforts to recover possession of his lands by bringing suits in ejectment against those whom he found in possession, their only title being derived from the squatter's title of the early settlers who had taken possession of the lands as well as the goods of Capt. John Mason after his death in 1635. In these operations Robert Mason had the support of the Lieutenant-Governor and that of the King. The influence of Cranfield in New Hampshire, however, was less than his authority, and this was not always respected. Judgment was secured in some cases, but public sentiment was hostile to the Masonian title, and eviction was resisted.

Although during all the years of controversy over the title to the Province of New Hampshire the Masonian claimants seemed to have the favor of the Crown, Robert Mason made an offer to the King in 1682 which was apparently intended to strengthen and firmly establish the Royal good-will towards his cause. Being, as he says, "fully sensible of y^e^ advantages that will arise unto me in p^r^ticular by the influence of yo^r^ Ma^ts^ Royall protection & Governm^t^ as well as unto all other of your Ma^ts^ Subjects in that province who have been so lately relieved by yo^r^ Ma^ts^ great grace & favour from y^e^ oppression of their neighbours," he offered to the King for the support of Lieutenant-Governor Cranfield in New Hampshire one fifth of all the rents, revenues, and other profits arising "as well in that p^r^t of y^e^ Province now under your Ma^ts^ obedience as in that other p^r^t hitherto unjustly detained from your Ma^ts^ and myself by y^e^ Gov^r^ & Comp^a^ of y^e^ Massachusetts Bay"; and he also surrendered to the King all fines and forfeitures accruing in his domain, which he claimed as of right belonging to him under the terms of the original grant.

This offer, read in Privy Council, Jan. 23, 1681-2, was not so generous as it appeared, for the rents and revenues which Mason was able to collect were insignificant in their total value at best. The fines and forfeitures might have easily amounted to a considerable sum, but it is not clear that Mason's right to them as lord of the soil was good in the absence of a Royal charter in addition to the grant received by his grandfather. The inhabitants whom he found settled and established in New Hampshire claimed the land by purchase or inheritance from those who had occupied nearly fifty years without challenge of their title, and although the courts, being of Royal appointment, upheld the Masonian title, the settlers generally refused to pay rents to Mason.

Robert Mason died in Esopus, N. Y., in 1688, leav-

ing two sons, John and Robert. Not caring to take up residence in New Hampshire and assume the burden of their father's unprofitable attempts to evict angry settlers and recover the estate by the tedious and expensive process of law, they sold the entire Province of New Hampshire, also Masonia, Mariana, Isle Mason, and Laconia for £2,750 to Samuel Allen, a merchant of London, by a deed dated Apr. 27, 1691. In this deed these towns are mentioned as being within the Masonian bounds: Portsmouth, Hampton, Dover, Exeter, Little Harbor, Greenland, Salisbury, Old Salisbury, Concord, Sudbury, Redding, Billerica, Gloucester, Cape Ann's Town, Ipswich, Wenham, Newbury, Rowley, Haverhill, Andover, Bass Town, and Woburn. Only £1,250 of the purchase price was ever paid.

Allen was commissioned Governor of New Hampshire, and John Usher Lieutenant-Governor, Mar. 1, 1691-2. Usher was a Boston stationer, and Allen's son-in-law. In 1701 Allen mortgaged the province to Usher for £1,500. Allen continued the course begun by Robert Mason, to establish title to the settled lands by course of law, and so to build up a rent roll which should yield an adequate return from his investment. The most famous of these suits was that of Mason v. Waldron, brought in 1683, continued as Allen v. Waldron by Samuel Allen, and after his death by his son, Thomas Allen, which was decided in 1707 for the defendant.

When the Mason claim became the Allen claim it continued to receive the support of the Crown, but the Assembly, elected representatives of the people, and including in their number many whose lands were subject to the claim, refused to agree to any measures tending to invalidate their titles. They recognized Allen's title to the unsettled portions of the province, but not to the towns which they had settled and defended by a great expenditure of money and lives. In this position they were upheld by an

opinion of Sir Edward Northey, Attorney-General of England, who advised Queen Anne not to interfere with the lands in possession of inhabitants, holding their title good by right of possession. In accordance with a vote of the Council and Assembly a convention of representatives, specially elected, was held May 3, 1705, to devise methods for a settlement of the dispute. The convention recognized Allen's title to all lands outside of the towns of Portsmouth, Hampton, Dover, Exeter, Newcastle, and Kingston, and proposed that if Allen would give the inhabitants of these towns warrantee deeds of their lands they would lay out to him 500 acres in Portsmouth and Newcastle, 1,500 acres in each of the towns of Dover and Exeter, and 1,500 acres in Hampton and Kingston together; also they were to pay Allen £2,000, and all suits were to be withdrawn; all these conditions to be subject to the approval of the Crown. Allen's death the next day, however, prevented the further consideration of this proposition.

Samuel Allen died May 4, 1705, and his rights passed to his only son, Thomas Allen. He died in 1715, and the Allen contest waned. The Allen title was disputed by the colonists on the ground that the Masonian entail was docked in the courts of England, which course they claimed to be invalid because at the time sufficient courts existed in New Hampshire, whose jurisdiction could not be denied. It was held that Allen's interest, therefore, could be only a life interest. This point was not brought to a legal decision, but the Allen contest was allowed to lapse. With it went the Hobby claim, which was created by the sale of half the Province to Sir Charles Hobby by Thomas Allen in 1706.

In the meantime John Tufton Mason, oldest heir in tail of Capt. John Mason, died unmarried in Virginia, and his brother Robert succeeded to the estate. He married Katherine Wiggin, and was lost at sea, in 1696, leaving a son John, who died in Havana in

1718, leaving a son John, born in Boston Apr. 29, 1713. This was the John Tufton Mason who finally recovered title and possession of the Masonian grants, and sold his rights to the Masonian Propriety and to the Massachusetts Bay.

It is quite probable that the Masonian title would not have been revived as it was in 1738, after twelve years of absolute silence in the official archives of New Hampshire following John Hobby's appeal to the Council in behalf of his father's interests in 1726, when he was dismissed with the advice that he use the facilities offered by the courts of law for the adjudication of his claim, had it not been for the approaching settlement of the boundary between New Hampshire and Massachusetts, which had been in dispute for more than half a century. John Tufton Mason had arrived at legal age five years before, and had shown no inclination to test his title. He called himself as "of Boston, mariner," and was unknown to public life. After the Boundary Line Commissioners had rendered their decision in September, 1737, and both provinces had appealed to the Crown, Massachusetts called to mind the Masonian title, with its possible bearing on the case. An opinion was secured from John Read and Robert Auchmuty of Boston in June, 1738, that the sale to Allen did not affect the title on account of the entail, which was not legally docked, and that Mason was sole and legal owner of the lands of the Province of New Hampshire. On the 1st of July Mason executed a deed to William Dudley, Samuel Welles, Thomas Berry, Benjamin Lynde, Jr., Benjamin Prescott, John Read, Thomas Cushing, and Thomas Hutchinson, agents for Massachusetts Bay, by which, in consideration of £500, he accepted and confirmed the boundary line established by Charles II in 1677, which was the line following the Merrimack river to the headwaters at a distance of three miles north, and quitclaimed to the inhabitants and proprietors thereof all his right to

such parts of the towns of Salisbury, Amesbury, Haverhill, Methuen, and Dracut as extended to the north of that line. This territory was estimated at 23,675 acres. By this instrument Mason also agreed to proceed to London at the expense of Massachusetts, and there, under the direction of the Massachusetts agents, to do everything in his power to secure the establishment of the line as claimed by that province.

Francis Wilks, Massachusetts agent in London, writing to Secretary Willard Sept. 18, 1738, says: "The Affair of M^{r} Masons Claim may be very Serviceable to the Province. The Lawyers being out of Town we have not as yet had Opportunity to advise about it, but you may depend everything shall be Improved to the best Advantage." In another letter Feb. 9, 1738-9, he says, "As to the Business of John Tufton Mason We got his Case Stated, & laid before the King's Solicitor General, our Counsel, to be by him maturely considered, after what manner & how his Case might be set on foot and introduc'd so as to be of Service to our Cause, who upon the whole affair would by no means Advise to our Exhibiting any Petition or Memorial at all, in any thing relating to him, for that the Lords would certainly look upon it in no other light than as an Artifice, trumpt up to puzzle & perplex the great Cause; And therefore, as it was uncertain how long it would be before we should be able to bring things to an Issue, we judg'd it unnecessary to keep him here at a certain Expense to the Province, but that it would be most for their Interest to dismiss him, that he might return as soon as conveniently he could to New England, which Accordingly we have done, after taking his receipt for what money we Supply'd him with, which Amounts to £92.9.0."

It may be assumed, with reason and with a certain amount of evidence, that Mason was offended and angered by the unceremonious manner in which he

was to be shipped back home without being allowed to appear in the famous case, to be pointed out in London as the lord of an entire province in America. He did not return to New England at once, but fell into the hands of John Thomlinson, the New Hampshire agent in the boundary case, one of the shrewdest and ablest men in London, who did not fail to appreciate the opportunity offered to him. On Apr. 6, 1739, a tripartite agreement was executed between Mason of the first part, John Rindge, Theodore Atkinson, Andrew Wiggin, George Jaffrey, and Benning Wentworth, all of New Hampshire, of the second part, and Thomlinson of the third part, wherein Mason agreed that in consideration of the sum of £1,000, to be paid him by the government of the Province of New Hampshire, or by the parties of the second part, within twelve months after New Hampshire should be declared a distinct and separate government from the Province of Massachusetts Bay, he would convey all his interests in the Province of New Hampshire to the said government, or to the parties of the second part and other inhabitants then in possession of lands in that province; and it was also agreed that in all future grants of land within that territory Mason was to have a share equal to that of any other grantee. Of the parties of the second part in this agreement Andrew Wiggin was Speaker of the House of Representatives, and all the others were members of the Council.

With this important document in his possession Thomlinson proceeded to carry on to a successful issue the case of New Hampshire on the appeal to the King and Privy Council. The line was established by the King's decree in 1741, and Benning Wentworth was commissioned Governor of New Hampshire, which was thus finally given a political status absolutely independent of Massachusetts.

The New Hampshire government failing to come to a decision for taking Mason's deed according to the

tripartite agreement, and the parties of the second part wishing to simplify the case by eliminating Mason, the entail was properly docked in the New Hampshire courts in 1746, a syndicate was formed, and on July 30 of that year Mason deeded his province for £1,500 to Theodore Atkinson, Richard Wibird, John Moffatt, Mark Hunking Wentworth, Samuel Moore, Jotham Odiorne, Jr., Joshua Peirce, Nathaniel Meserve, George Jaffrey, Jr., John Wentworth, Jr., all of Portsmouth, Thomas Wallingford of Somersworth, and Thomas Packer of Greenland. On the following day these Masonian Proprietors, as they afterwards called themselves, quitclaimed to the inhabitants thereof all their rights in the towns of Portsmouth, Dover, Exeter, Hampton, Gosport, Kingston, Londonderry, Chester, Nottingham, Barrington, Rochester, Canterbury, Bow, Chichester, Epsom, and Barnstead, these being the towns settled in accordance with the terms of their various charters, and the older towns which had been permanently established without charters. Towns in which the conditions of settlement had not been fully complied with were considered subject to regrant, but in the charters afterwards issued by the Proprietors the individual settlers who had completed their work were invariably included, and in this manner given the benefit of their industry.

These Proprietors were substantial men, members of the oldest and best families in the Province, and most of them were wealthy and closely connected with the government. It may be said, without exaggerating their influence, that they *were* the Royal government of New Hampshire. A bond of kinship held them in a close and harmonious association.

Mark Hunking Wentworth and John Wentworth were brothers of Benning Wentworth, Governor of the Province at this time.

Theodore Atkinson married a sister of Mark Hunking and John Wentworth.

Jotham Odiorne, Jr. was a cousin of the wife of Mark Hunking Wentworth.

George Jaffrey was son of a sister of Mark Hunking and John Wentworth.

Richard Wibird's sister married a brother of the two Wentworths.

Thomas Packer married a sister of the two Wentworths. His second wife was the mother of John Rindge and a daughter of Jotham Odiorne, Sr.

Joshua Peirce's brother, Daniel Peirce, married a sister of John Rindge.

Samuel Moore married a sister of Joshua and Daniel Peirce.

Nathaniel Meserve married, for his second wife, Mary, sister of Jotham Odiorne, Jr., and Jotham Odiorne, 3d, married Mary, daughter of Nathaniel Meserve.

John Moffatt and Thomas Wallingford are not known to be related to each other or to the others.

Immediately upon the execution of the deed of Mason to the Proprietors, severe criticism arose in the Assembly, and the Proprietors were accused of depriving the people of the Province of the advantage of a most excellent bargain. They replied that the opportunity had been before the Assembly for two years without result; that they had taken Mason's deed to keep the title within the Province; and that they were then ready to transfer the lands to the government for the amount they had expended, though they could realize ten times that sum in other ways. But the Council and Assembly and the Proprietors, after protracted negotiations, were unable to agree on the terms of a deed to the Province, particularly as to whether the power of granting these lands should rest in the Assembly or in the Crown. Two years more were devoted to the endeavor to accomplish an agreement between the Council, the Assembly, and the Proprietors without result, and the

members of the syndicate finally met, organized, and began to administer their property.

A form of charter was adopted which contained specific requirements for settlement, by which title to the land should be acquired, and townships were granted on petition of a sufficient number of intending settlers. The old towns could no longer provide land for their growing population, and the demand for new territory was large. It was not until May 14, 1748, that the Proprietors held their first meeting for organization, and within six months they received petitions for no less than thirty-one townships. The Proprietors were convinced of the futility of any further negotiations with the Provincial government. They were disgusted with the bickerings of the Assembly, who for nine years, or since the execution of the tripartite agreement of 1739, had failed to take advantage of the opportunity offered them by Mason and the Proprietors, but instead had ignored and angered Mason, and abused the Proprietors as malefactors, who by their wealth and influence were enabled to rob the people by the purchase of the Masonian title.

There were twelve original members of the syndicate, but the property was held in fifteen shares, Theodore Atkinson taking three, Mark Hunking Wentworth two, and the other ten members one each. Colonel Atkinson held two extra shares for Mason, and Wentworth took another share for his brother-in-law, John Rindge, then a minor. Various changes afterwards took place by sale and inheritance. On Sept. 30, 1749, the Proprietors received another deed from Mason, which included the land southward to the Naumkeag River.

The Proprietors could convey to settlers only the soil. For political rights and the powers of government the grantees were obliged to resort to the Province, and acts of incorporation were readily obtained when the conditions of settlement had been

fulfilled. For the return of the money invested, and any possible profits, the Proprietors adopted a peculiar system. Charters were not sold, but each member of the syndicate was given an equal grantee's share in every township granted, with the provision that their lands should not be subject to taxation or assessment until improved by the owners, or by some other party holding title from them. Whatever profits they may have made arose from the sale of these rights. A right was reserved for the first settled minister, one for the ministry, and one for a school, and it was required that a meeting house should be built within ten years. Ample time was allowed for settlement, with the reversion to the Proprietors of any township or right not settled within the specified period. Exceptions were made in case of war with the Indians. In many grants a millright was also reserved. The first township granted by the Masonian Proprietors was Goffstown, Dec. 3, 1748.

During the period of the minority of the last John Tufton Mason, and the quiescence of the title, the need of new lands becoming imperative, the Royal Governor of New Hampshire had begun the chartering of townships within the bounds of the Masonian grant. Before the settlement of the boundary with Massachusetts, and the separation of the governments of the two provinces in 1741, New Hampshire had granted thirteen towns within the Masonian grant, Kingston, Nottingham, Allenstown, Barrington, Chester, Londonderry, Barnstead, Bow, Canterbury, Chichester, Epsom, Gilmanton, and Kingswood, and had incorporated several others. All but two of these grants, Kingston (1694) and Kingswood (1737) were issued in 1722 and 1727.

In this same period Massachusetts was equally active in New Hampshire territory, but less effective. In 1726 a plan was instituted in the Assembly to protect the northern frontiers from possible incursions of the Indians by laying out a line of towns from

Dunstable to Northfield, but disagreements over minor details prevented action, and the project was abandoned. In 1737 the idea was again brought forth, and resulted in the chartering of a north frontier line of nine towns from Rumford (now Concord) on the Merrimack River, to the "Great Falls" in the Connecticut, and a western line of four towns up the east side of the Connecticut from Northfield to meet the other line. From the Merrimack to the Connecticut the towns laid out were Warner (No. 1), Bradford (No. 2), Acworth (No. 3), Alstead (No. 4), Hopkinton (No. 5), Henniker (No. 6), Hillsborough (No. 7), Washington (No. 8), and Lempster (No. 9), forming a double line. The west frontier line consisted of Chesterfield (No. 1), Westmoreland (No. 2), Walpole (No. 3), and Charlestown (No. 4). The Narragansett townships previously chartered, No. 3 (Amherst), No. 4 (Goffstown), and No. 5 (Bedford), served to connect Dunstable with Rumford, forming an eastern frontier.

The Masonian Proprietors were quite willing to waive their interests in all the settled towns within their bounds which existed by virtue of charters from the government of New Hampshire, but they were not disposed to recognize the Massachusetts grants in general. A few of them, however, being well established, they confirmed and quitclaimed, and in others less advanced they protected individual interests as far as possible in their regrants, though some cases of complaint inevitably arose.

Notwithstanding the occasional appearance of the ghost of the old Allen claim, the Proprietors successfully carried on their business of granting and settling new towns and disposing of their personal holdings for nearly forty years. In that time they established thirty-seven new towns, many of which, failing of settlement by the first body of grantees, were regranted; they bestowed upon more energetic grantees hundreds of rights which had been forfeited by the

original holders, both in their own towns, and in those chartered by New Hampshire and Massachusetts; they placed settlers on their own lands; and they received, considered, and answered the innumerable questions and complaints which naturally came to them from the thousands of settlers under their jurisdiction.

One more important matter affecting the Masonian grant was still to be met, considered, and settled. In 1785 the towns of Lempster and Marlow, whose east bounds were affected, protested against the location of the westerly bound of the patent. Other towns followed, and the matter was brought to the attention of the Legislature. It proved to be simply another appearance of the old Allen ghost.

The original grant of New Hampshire to Capt. John Mason in 1629 gave him the lands contained within a line following up the Merrimack, and then westward to a point sixty miles from the sea, a line up the Piscataqua, and then northwestward to a point sixty miles from the sea, and a line crossing over to connect the two terminals. This connecting line was always generally understood to be a curved line everywhere distant sixty miles from the sea, and was so laid out by the Proprietors soon after their purchase from Mason. It had never before been questioned. The protesting towns insisted that the line should be drawn straight from one sixty mile terminus to the other, and based their remonstrance on the statement that their land titles were clouded by the doubt as to the exact location of the line, and that thereby their settlements were hindered and their progress greatly retarded. The Allen heirs then appeared, with Gen. John Sullivan as their attorney, and petitioned the Legislature to survey the headline of the Masonian patent.

The Proprietors did not care to contest the point. Their lands were nearly all granted and settled, and their business was practically finished. They met a

committee of the Legislature, agreed on terms, and on June 18, 1788, they took a deed from the State of all claim to the territory between the straight line and the curved line for a consideration of $40,000 in public securities of the State, and $800 in silver or gold. On Jan. 28, 1790, the Allen claimants released all their interests to the Proprietors in exchange for £5, lawful money, and 8500 acres of waste and scattered lands, and the Allen ghost was laid forever.

The Proprietors continued to hold meetings with regularity until December, 1807, devoting their attention to the disposal of small tracts of land overlooked in the original surveys, or forfeited by noncompliance with the conditions of settlement. Their records show no further meetings until 1846, when a meeting was called by a Justice of the Peace, acting on a petition of W. H. Y. Hackett, J. W. Peirce, and Alexander Ladd, all of Portsmouth, claiming to be members of the syndicate. The Proprietors met on the 5th of September, when officers were chosen, and they adjourned until the 15th, when by-laws were adopted and provision made for the continuance of the life of the organization. But here the records end.

The great body of documents, plans, records, and miscellaneous papers which accumulated to the Proprietors in their long and busy existence fell into the hands of Joshua W. Peirce, who was chosen clerk at the first meeting of 1846. In the possession of Peirce and his descendants these records gradually lapsed into oblivion. Nearly fifty years later, or in 1891, through the sagacity and persistent diplomacy of Hon. Ezra S. Stearns, then Secretary of State, they were presented to the State of New Hampshire by Robert Cutts Peirce, a descendant of the last clerk of the Proprietors. The great value and importance of these papers, not only in the history of the State but in their relation to the land titles of a vast number of homes and farms of New Hampshire people, was instantly recognized by the administration, and they

were immediately and most carefully edited and printed, filling three volumes of the State's long series of published archives.

New Hampshire owes much to the Mason grant and to the Masonian Proprietors. To Capt. John Mason's enthusiasm is due the first settlement of the Province, and had he lived its permanence and prosperity would have been secure. To Robert Mason is due the establishment of a separate government for New Hampshire in 1680, and the adjudication of the Massachusetts claims of jurisdiction in the disputed territory north of the Merrimack. To the Proprietors we owe the actual settlement of nearly forty towns in what is now the most populous and prosperous section of the State.

The Proprietors were strong men, strong in social and political achievement, in executive ability, in finance, and in character. They became possessed in fee simple of an immense tract of land, estimated in their deed as 200,000 acres, but which was in fact certainly more than 2,000,000 acres. Waiving entirely the idea of personal profit, they looked upon their estate as a trust for the benefit of the Province, and they administered that trust with far-seeing wisdom, and with a determined purpose. With all their power held in abeyance they did their work with tact and diplomacy, and they achieved a success which would have been impossible to men of lower caste, or less closely identified with all those influences which controlled the opinions of the people, the courts, and the government. The Masons and the Masonian Proprietors made and saved the identity of the Province of New Hampshire, and their work was good; but it has been forgotten, and the only monuments to their memory are the granite hills and mountains which overlook their ancient domain.

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